

1 my word, not hers -- oral sex with a man, on
2 November 1st."

3 Do you see that statement of Mr. Peters?

4 A Yes.

5 Q Is that true or false that you told Mr. Peters
6 and Mr. Rulli that Katie had disclosed or described on
7 anatomical dolls fellatio, oral sex with a man?

8 MR. JUDGE: Objection. This is Dan Judge.
9 Objection to the form of the question.

10 Go ahead.

11 BY MS. ZELLNER:

12 Q You can answer.

13 A I'm sorry. Did you want me to answer?

14 Q Yeah. Is that true or false that you told
15 Mr. Peters and Mr. Rulli that Katie had disclosed to you
16 sexual abuse by Ray. "Described it with anatomical
17 dolls, including fellatio -- my word, not hers -- oral
18 sex with a man, on November 1st."

19 A In my --

20 MR. JUDGE: This is Dan Judge. Same objection.

21 BY MS. ZELLNER:

22 Q Okay. Is that true or false?

23 A In my recollection --

24 MR. JUDGE: Objection.

25 MS. ZELLNER: Okay.

Objection
based on
dkt. 202
at 15. If
denied,
reserve
right to
supplement

See
Def's
response
to ph13
MIL #13

Deposition of Ann Link, Ph.D.

SPENCER VS. PETERS

1 THE WITNESS: Did you want me to --

2 MS. ZELLNER: I've got the objection noted.

3 Could you let the witness answer?

4 THE WITNESS: Am I supposed to answer?

5 BY MS. ZELLNER:

6 Q Yes.

7 A Oh. Sorry. No. That's false, according to my
8 recollections.

9 Q And if we look at page 125 of Mr. Peters'
10 deposition, we look at -- hang on just a minute.

11 It says at line 12 -- this is Mr. Peters'
12 answer: "The information now -- your question was
13 compound. Had multiple subjects in it. But the
14 behavioral indicators portion of it was relayed to me by
15 Ann Link, and it's in the notes of Rulli and my interview
16 with Ann Link."

17 Do you see that answer?

18 A Yes.

19 Q Okay. And that leads me to the notes of
20 Mr. Peters, which follow those two pages.

21 And have you had an opportunity to look at
22 those notes?

23 A Yes.

24 Q And let's look at where your name is mentioned.

25 At the bottom it says, "Spencer," Bates

Objection to
lines 7-8
based on dkt.
202 at 15,
seeking to
bar testimony
related to
alleged
interviews of
Matt and
Katie on May
9th,
1985 in
Sacramento.
If denied,
Plaintiff
reserves
right to
supplement

Objection
based on
dkt. 202 at
15 and notes
are hearsay.
If motion in
limine
denied,
reserve
right to
supplement

1 stamp 00808, and your name is the second named at the top
2 of that page.

3 Do you see that?

4 A I see that.

5 Q Okay. And Mr. Peters has recorded some
6 information about you. Correct?

7 A Correct.

8 Q Okay. And it's true that you were a Ph.D.
9 candidate. Right?

10 A Yes.

11 Q Okay. And I can't read -- can you read the
12 rest of the writing?

13 A "A registered psychology" -- I can't read the
14 third one.

15 Q Okay.

16 A "Intern" maybe, although it ends in T. I'm not
17 sure.

18 Q And then under that, "registered nurse," is
19 that true?

20 A Yes. True.

21 Q And then licensed -- it says, "Licensed
22 marriage."

23 A Yes.

24 Q And what -- do you know what that would refer
25 to?

Objection to
lines 5-25
and line 1
of page 29
-Id.

see D's
response
to IT's
MIL #13

1 A Possibly --

2 MR. JUDGE: Objection to the form of -- this is
3 Dan Judge. Objection to the form of the question.

4 BY MS. ZELLNER:

5 Q Doctor, you can answer over the objections.

6 A Licensed marriage, family, and child
7 counselor.

Objection
-Id.

8 Q And then under that, it says, "Never
9 testified."

10 Do you see that?

11 A Yes.

12 Q Do you know if that was true at that time? Had
13 you ever testified before?

14 A No.

15 Q Okay. If we look at the next page,
16 "Spencer" -- it's Bates-stamped 00809.

17 A Yes.

18 Q Okay. And in that note it states, "On
19 November 1st, she demonstrated with dolls for Ann."

Objection
-Id.

20 Do you see that?

21 A Yes.

22 Q Okay. And then can you read into the record
23 the rest of the note?

24 MR. JUDGE: Objection to the form of the
25 question. This is Dan Judge again.

See A's
resp. to
IT's mil
#13

Same
as
above

1 Go ahead.

2 THE WITNESS: You wanted me to read the note?

3 BY MS. ZELLNER:

4 Q Yeah.

5 A "She demonstrated with dolls for Ann parts" --

6 could be "boobies, pee pee, wienie, bottom. Only able

7 to" --

8 Q Let me stop you there.

9 Did Katie Spencer ever demonstrate with dolls

10 for you body parts? I.e., boobies, pee pee, wiener, and

11 bottom?

12 A Not that I recall.

13 Q Could you read under -- read B for us.

14 A "Only able to whisper these."

15 Q Okay. And then C. Can you read that?

16 A "Designated adult male doll as a dad. Girl as

17 self."

18 Q And then the subparts 1 through 5.

19 A "Kiss breasts. Cunnilingus. Fellatio. Anal."

20 I'm not sure about that word. Perhaps "intercourse.

21 Sexual" --

22 Q Okay. And then to the right of that, is there
23 writing?

24 A Yes.

25 Q What's that say?

Objection -
Id.

Objection
to lines
15-25 and
lines 1-3
of page
31 - Id.

1 A It says, "Said it hurt."

2 Q Okay. Is that true or false that that
3 information was demonstrated to you with dolls?

4 MR. JUDGE: Objection. This Dan Judge.
5 Objection to the form of the question.

6 BY MS. ZELLNER:

7 Q You can answer.

8 A It's false in terms of what I remember about
9 the case and what I did with Katie.

Objection
-Id.

10 Q If that information had been related to you,
11 would you have had a legal obligation to report it under
12 California law at that point in time?

13 A Yes

14 MR. FREIMUND: Objection. Calls for a legal
15 conclusion.

16 You may answer though.

17 THE COURT REPORTER: I'm sorry, Counsel. Who
18 was that?

19 MR. FREIMUND: That was Jeff Freimund again.
20 Sorry.

21 BY MS. ZELLNER:

22 Q Now, if we go on to page Bates stamp 227, the
23 next document, did you review this report that was
24 authored by Rebecca Roe?

25 A I did.

See A's
Resp. to
IT's MAIL
#13

1 Q And in the report, did you find any reference
2 to Katie's counselor in this report?

3 A I did.

4 Q Where did you find a reference to Katie's
5 counselor?

6 A Five lines from the bottom, it says --

7 Q And -- yeah. Is that on the first page or
8 where is it?

9 A That's on the first page.

10 Q Okay. And could you read that into the
11 record?

12 A "She also did not talk to a female counselor."

13 Q Does that fit with your recollection of
14 Katie Spencer's interaction with you in her care and
15 treatment by you?

16 A Yes.

17 Q Now, you were also sent some excerpts from
18 various utility reports authored by Sharon Krause.

19 (Plaintiffs' Exhibits 7 and 8 were previously
20 marked for identification and are attached hereto)

21 BY MS. ZELLNER:

22 Q If you can go to Plaintiffs' Exhibit 8, it
23 starts at Bates stamp 00501.

24 A Yes.

25 Q Now, if we go to this -- to the utility report

1 dated 10/18/84 -- if we go to Bates stamp 00503, that's
2 page 3 of 22 of the report.

3 Do you have that paragraph in front of you?

4 A I do.

5 Q The paragraph states, "Deanne Spencer also
6 related that during the meeting with Detective Flood and
7 also with Katie's therapist, Katie apparently was not
8 indicating anymore that there had been something sexual
9 between her and her father."

10 Did I read that correctly?

11 A Yes.

12 Q And is that statement consistent with your
13 recollection of Katie Spencer's care and treatment with
14 you?

15 A Yes, it is.

16 Q Then if we turn to the next page, which is
17 dated 11/1/84 -- and, again, it's authored by
18 Sharon Krause, Bates stamp Spencer-00537. That states,
19 "During the week of October 15th, I was in Sacramento,
20 California, continuing the investigation regarding the
21 allegations that Kathryn Spencer was making. On the
22 morning of 1/1/84, Detective Sergeant Davidson made phone
23 contact with Ray Spencer and asked if he would respond to
24 the sheriff" -- actually, that's cut off. Yeah. It
25 looks like 537 -- okay. It is.

1 If we continue to the next page, it states, "As
2 I entered the room, Ray Spencer was indicating he was
3 upset with the sheriff's office because of how we had
4 handled the investigation, commenting on the length of
5 time it had taken and also how we had dealt with the city
6 and the, quote, overall delays, end quote.

7 "Sergeant Davidson and I tried to explain to
8 him that it seemed futile on our part to respond to
9 Sacramento initially when everyone, including his
10 daughter's therapist, felt it would not be in the child's
11 best interest for us to come to Sacramento."

12 Do you have any recollection -- does that
13 refresh your recollection about whether you had talked to
14 anyone in law enforcement about coming to Sacramento?
15 About --

16 MR. FREIMUND: Before you answer, Ms. Link,
17 this is Jeff Freimund. I have an objection to that.

18 The document is little bits -- the last several
19 documents that plaintiffs' counsel has been reading from
20 are little partial excerpts on a page with no clear full
21 documentation on what you're referring to or how they're
22 linked to one another. There's no page numbers attached
23 to that last paragraph just read by counsel. So I object
24 to the way in which this questioning is progressing with
25 little bits and pieces excised from documents and taken

1 out of context.

2 But go ahead and answer.

3 MS. ZELLNER: And, actually, these are the
4 excerpts word scanned through all of the documents that
5 refer to Katie Spencer's therapist either by name or
6 therapist. The page numbers are at the bottom. The date
7 of the document is 11/1/84. It's authored by
8 Sharon Krause.

9 So over that objection, if the court reporter
10 could read back my question.

11 MR. FREIMUND: I would just say for the record,
12 the page number at the bottom is a page number put on
13 there by plaintiffs' counsel. It is not a page number
14 from the actual document.

15 MS. ZELLNER: Actually, Jeff, the page is from
16 the actual document and the document is 11/1/84. And
17 rather than give her 22 pages we have given her the only
18 reference to her in the document, so that doesn't have
19 anything to do with my question.

20 My question to her is does she remember, after
21 reading this excerpt, whether she had ever told anyone in
22 law enforcement that it would not be in Katie's best
23 interest for law enforcement to come to Sacramento.

24 BY MS. ZELLNER:

25 Q It's a simple question, Doctor.

Deposition of Ann Link, Ph.D.

SPENCER VS. PETERS

1 Does that refresh your recollection?

2 MR. JUDGE: I'm going to -- this is Dan Judge.

3 I'm going to object to the form of that question as well
4 as lack of foundation for proper refreshing of a witness'
5 memory.

6 Go ahead.

7 BY MS. ZELLNER:

8 Q Doctor, do you remember whether or not anyone
9 from law enforcement contacted you about coming to
10 Sacramento to interview you about Katie Spencer?

11 A I don't have a specific memory of that.

12 Q Okay. And if we go to the next report, which
13 is Bates-stamped Spencer-00461. The date on it is
14 10/18/84. The author of the report is S.A. Krause.

15 Do you see that document?

16 A I'm sorry. Is this Exhibit 9?

17 Q No. We're still in Group Exhibit 8. Going to
18 the next report, it's -- oh, I'm sorry. You're right.
19 It is Plaintiffs' Exhibit 9. You're right.

20 (Plaintiffs' Exhibit 9 was previously marked
21 for identification and is attached hereto)

22 BY MS. ZELLNER:

23 Q You see the first page? 461?

24 A Yes, I do.

25 Q And the date on that is 10/18/84, and, again,

Objection
based on
dkt. 202
at 15,
seeking
to bar
testimony
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1 it's authored by S.A. Krause.

2 If you look at the second page, 462 --

3 A Yes.

4 Q -- in that excerpt, it says, "On the afternoon
5 of 10/17/84, I accompanied Katie and her mother,
6 Deanne Spencer, to a therapy session. Regarding that
7 session, refer to additional utility report."

8 Do you recall -- independent of this document,
9 do you recall ever meeting anyone from law enforcement
10 that accompanied Katie and her mother to Katie's therapy
11 sessions?

12 A I don't recall that. No.

13 Q Okay. And then on page 464 --

14 A Yes.

15 Q Okay. And that's also from the same report by
16 Sharon Krause.

17 Have you reviewed page 464 and 465?

18 A Yes.

19 Q Okay. And on 465, Katie Spencer is quoted as
20 saying, quote, I just didn't want to have to say those
21 words to Ann, but maybe I can tell her later when I tell
22 her a story, period, and then there's quotation marks.

23 And then it says in paren, "The therapist,
24 Ann Link, uses play therapy with Katie during the
25 one-hour session."

1 Does that information on 464 and 465 have any
2 effect on your recollection of whether Katie had
3 disclosed any abuse to you?

4 MR. JUDGE: This is Dan Judge. Objection to
5 the form of the question.

6 BY MS. ZELLNER:

7 Q Over that can you answer?

8 A I'm sorry. What was the question again?

9 Q Yeah. You did read those two pages.
10 Correct?

11 A I did read those two pages. Yes.

12 Q Okay. And does that refresh your recollection
13 or does did that have any effect on your opinion that
14 Katie Spencer never told you about being sexually
15 abused?

16 MR. JUDGE: Objection to the form of the
17 question. This is Dan Judge again.

18 MR. FREIMUND: This is Jeff Freimund. I join
19 in that objection too.

20 MS. ZELLNER: We'll just note your form
21 objections if you could let her answer the question.

22 MR. FREIMUND: Well, it doesn't call for an
23 opinion. That was what you'd asked her.

24 MS. ZELLNER: She's expressed opinions in her
25 affidavit.

1 Actually, I can withdraw that question.

2 Okay. Now, on page -- if we go to
3 Plaintiffs' Exhibit 10, that's a report dated
4 March 21, 1985, authored by Sharon Krause.

5 (Plaintiffs' Exhibit 10 was perviously marked
6 for identification and is attached hereto.)

7 BY MS. ZELLNER:

8 Q And if you go to the second page of that
9 report, it states, "When Matt Hansen advised me that he
10 had observed both Kathryn and Matt Spencer being
11 victimized by their father, I immediately advised
12 Deanne Spencer by telephone. Deanne Spencer related to
13 me that she in turn advised the children's therapist. I
14 also have had phone conversations on occasion with both
15 the therapists and provided them with any information I
16 had that may assist them in dealing with the Spencer
17 children."

18 Do you have any recollection of Deanne Spencer
19 advising you about any sexual abuse of Matt Hansen?

20 A No. I don't have any recollection of that.

21 Q Okay. And do you recall having a phone
22 conversation with Detective Sharon Krause about
23 Kathryn Spencer?

24 A I believe there was some communication with
25 Shane Krause.